

ONE HUNDRED ELEVENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

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**Opening Statement of Rep. Henry A. Waxman**  
**Chairman, Committee on Energy and Commerce**  
**Food Safety Enhancement Act of 2009**  
**June 17, 2009**

Today we mark-up the Food Safety Enhancement Act of 2009 — bipartisan legislation that will fundamentally change the way we protect the safety of the food supply. This is the kind of legislative achievement that should give Americans confidence that Congress can respond in an effective, bipartisan way to solve urgent problems.

A series of food borne disease outbreaks — in spinach, peanuts, and peppers, to name a few — has not only sickened and killed American consumers, but has shaken public confidence in the industry that produces one of our most basic and important commodities. And it has laid bare unacceptable gaps in our food safety laws. Today the Committee will act to close those gaps — and give the Food and Drug Administration new authorities, new tools, and a new source of funding to carry out this vital mission.

Under the legislation, FDA will have clear authority to issue and require manufacturers to meet strong, enforceable performance standards to ensure the safety of various types of food.

FDA will establish a food trace-back system, so that public health officials can easily determine the causes of food-borne disease outbreaks.

FDA will be required to inspect all food facilities — the riskiest ones, at least once per year.

FDA will be given new authority to ensure that imported foods are safe.

FDA will be given new tools — recalls, records access, and penalties to punish bad actors — to act quickly when presented with a food safety emergency.

And FDA will get a new dedicated source of funding — from a \$500 annual registration fee on food facilities — to help conduct its vital work of keeping America safe.

But FDA will not be the only cop on the beat. One of the most important changes that

will occur under this bill is a new focus on prevention, and a shared responsibility between FDA and food manufacturers to keep the food supply safe. The bill will require manufacturers to implement preventive systems to stop outbreaks before they occur. All food facilities will have to conduct hazard analyses, assess potential food safety risks, and develop plans to keep the food supply safe.

The most remarkable thing about the bill is the consensus behind it. Consumer and public interest groups support it. The Grocery Manufacturers Association and other food industry groups support it. And most importantly, a broad, bipartisan group of Energy and Commerce Committee members support it.

I think it's important to acknowledge those responsible. I'll begin with Chairman Emeritus Dingell, the dean of Congress, and the dean of food safety. An unrelenting public health watchdog, he takes great pride in seeing his work come to fruition. Chairman Stupak has left an undeniable mark on this bill through his work on the Oversight and Investigations Subcommittee and tireless efforts to fix the problems he has helped identify. Chairman Pallone, who has worked on this issue for over a decade, shepherded this bill through his Subcommittee and helped get us to this point today. And I also want to note the thoughtful contributions of Reps. DeGette and Sutton from the early stages of this process.

I also want to thank our Republican colleagues, Ranking Member Barton and Ranking Member Deal, and Rep. Shimkus. You and your staff have worked incredibly hard over the last few weeks to bridge gaps, find creative solutions to problems, and help make sure this bill works better for everyone. I appreciate your efforts, and your commitment to keeping the food supply safe. You've proved beyond a shadow of a doubt that there is no partisan gap when it comes to keeping the food supply safe.

The legislation we are marking up represents a huge accomplishment for this Committee. We stand on the verge of passing a comprehensive, broadly supported and bipartisan reform of our nation's food safety laws. We'll see a strong vote out of Committee today, and that will send a loud message about the need to move this legislation quickly. I know that we still have work to do, but I'm more confident than ever that we'll soon be able to take this legislation to the floor. And I am hopeful that before too long, we can have a comprehensive food safety bill on President Obama's desk.